

## **Minutes of the Maine Real Estate Commission**

JUNE 16, 2005

### **MEMBERS PRESENT**

David Kitchen  
Sharon Millett  
Jeffrey Mitchell  
Winfred Stevens

### **STAFF PRESENT**

Carol Leighton, Director  
Karen L. Bivins, Deputy Director  
Robert Perkins, A.A.G.  
Jack Richards, A.A.G.  
Susan Greenlaw, Secretary

### **MEMBERS ABSENT**

Earl Black

**Location:** Androscoggin Room

**Start:** 9:07 a.m.

**Adjourn:** 2:18 p.m.

### **Minutes – May 19, 2005**

A motion was made by David Kitchen and seconded by Winfred Stevens to approve the minutes of the May 19, 2005 meeting as written. Unanimous.

### **Agenda Modifications**

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to add the following to the agenda. Unanimous.

- II. Proposed Dismissals
  - #2004-014
  - #2004-068
  - #2005-059
- III. Commission Decision and Orders
  - Director v. Hollis C. Tedford III
  - Director v. Kathleen F. Scott

A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to add the following to the agenda. Millett and Mitchell voted in the affirmative; none opposed; Kitchen and Stevens abstained. Motion carried.

- I. Request to reopen sanction portion of hearing – Cash C. Wiseman v. Director
- III. Commission Decisions and Orders
  - Cash C. Wiseman v. Director

### **Commission Hearings**

The Chair opened the hearing in the matter of Director v. Diana B. Parsons. The Director was present and represented by Assistant Attorney General Robert Perkins. Ms. Parsons was not present nor represented by an attorney. Assistant Attorney General Jack Richards attended as Commission counsel. Public deliberations were conducted at the close of the hearing.

A motion was made by David Kitchen and seconded by Winfred Stevens to find Parsons in violation of 32 M.R.S.A. §13067(1)(L). Unanimous.

A motion was made by David Kitchen and seconded by Winfred Stevens to find Parsons in violation of 32 M.R.S.A. §13067(1)(L). Unanimous.

A motion was made by David Kitchen and seconded by Winfred Stevens to find Parsons in violation of 32 M.R.S.A. §13173(5). Unanimous.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to find Parsons in violation of 32 M.R.S.A. §13178. Unanimous.

A motion was made by David Kitchen and seconded by Winfred Stevens to find Parsons in violation of 32 M.R.S.A. §13067(1)(A). Unanimous.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to order Parsons to make a full accounting to the Commission of all money held in her agency trust account since January 2003 by providing to the Director all agency trust account records and supporting documents at a time and place to be determined by the Director; order the immediate suspension of Parsons real estate license until she complies. Unanimous.

### **Commission Decisions Pending and Requests for Reconsideration**

Director v. Hollis C. Tedford III – Decision Pending/Request for Reconsideration: A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to deny the request for reconsideration. Unanimous.

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the Decision & Order in the matter of Director v. Hollis C. Tedford, III. Unanimous.

Cash Wiseman v. Director – Decision Pending/Request for Reconsideration: David Kitchen and Winfred Stevens recused and left the room. A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to reopen the sanction portion of the hearing. Millett and Mitchell vote in the affirmative; none opposed. Motion carried.

A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to accept the Interim Decision & Order in the matter of Cash Wiseman v. Director and to table the request to reopen the hearing to submit additional information. Millett and Mitchell voted in the affirmative; none opposed. Motion carried.

Director v. Kathleen Scott – Decision Pending/Request for Reconsideration: A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to deny the request for reconsideration. Unanimous.

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the Decision & Order in the matter of Director v. Kathleen Scott. Unanimous.

Director v. David A. Ireland - Request for Reconsideration: Winfred Stevens recused and left the room. A motion was made by David Kitchen and seconded by Jeffrey Mitchell to approve the request for reconsideration. Kitchen, Millett, and Mitchell voted in the affirmative; none opposed. Motion carried.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to change the language in paragraph 4, page 13 to read: “Respondent shall not be appointed as designated broker for 4 years beginning with reinstatement after the license suspension period detailed above and may not so reapply for appointment as designated broker unless he has successfully completed the designated broker course or the then equivalent course”. Kitchen, Millett, and Mitchell voted in the affirmative; none opposed. Motion carried.

### **Consent Agreements**

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2005-072. Unanimous.

### **Dismissed Complaints**

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the proposed Dismissals in case numbers 2003-110, 2005-054, 2005-061, 2004-014, 2004-068, and 2005-059. Unanimous.

### **Director’s Report**

Education Task Force – Charge/Composition: A motion was made by David Kitchen and seconded by Jeffrey Mitchell to appoint the following members: Rick Foster, Ina Toth, Arthur Gary, Elaine Richer, Kim Coit, Bill Dorrity, and two others (Catherine Kessler and one other).

Discussion – Rulemaking initiative to implement new laws: Chapters 320 and 330 to be discussed at separate meetings. Chapters 360, 370, and 390 to be reviewed by the education task force. Other chapters to be reviewed during regular meetings.

Core Course Status: Discussed at last meeting – discussed changes in the delivery of the current core course. Instructors to submit proposals for staff approval.

### **Next Meeting Scheduled for July 21, 2005**

The meeting was adjourned at 2:18 p.m.

This report respectfully submitted,

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Sharon Millett  
Chairperson

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Carol J. Leighton  
Director